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REMARKS

Claim 1 is rejected, under 35 U.S.C. § 102(b), as being anticipated by Smith '091. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

As the Examiner is aware, in order to properly support an anticipation rejection under 35 U.S.C. § 102(b), the cited reference must disclose each and every feature of the presently claimed invention. In order to more clearly define the nature of the Applicant's invention, as well as the fundamental difference from cited references, the Applicant has amended claim 1 to include the specific feature,

. . . wherein said articulation mechanism joins said first member and said second member such that at least one of a lateral edge and a longitudinal axis of said first member remains substantially parallel to a corresponding one of a lateral edge and a longitudinal axis of said second member *throughout the dynamic range of motion of the articulation mechanism.*

This feature is important aspect of the Applicant's invention and particularly and fundamentally different from the Smith '091 reference.

Initially, the Applicant notes that Smith '091 generally discloses a springable connection assembly 55 and while pertaining in some respects to snowboards, Smith '091 eschews contemporary snowboard base design and the conventional turning and carving characteristics of a substantially flat base ski or snowboard. Summarizing the known two-piece snowboards in order to laud his own invention Smith states in the Background of the Invention at column 1, lines 63-67, "[i]n summary, the use of a 2-piece snowboard with a flexible connector while retaining the same turning method that is used in the one-piece snowboard, is a serious flaw in the Kobylenski design".

In other words, quite different from the Kobylenski design as well as the present invention, Smith '091 discloses a convex base having a series of ridges or protrusions 44, for example as shown in Fig. 8, for turning the snowboard in a highly non-conventional manner.

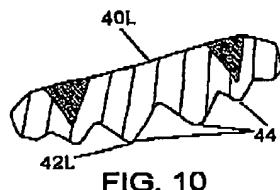
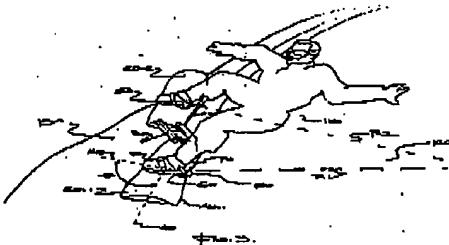


FIG. 10

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The Applicant's invention is substantially closer to a conventional snowboard in fundamental base structure and physical principles than Smith '091. The Applicant's invention uses a traditional snowboard base and metal edges to carve a turn as well as understood in the art and thoroughly explained in the Applicant's specification. This is an important difference from the cited reference. Observing Fig. 3 of the Applicant's specification as reproduced below, and the description at page 8, lines 10-12 "[n]ote, however, that the front edges 40-1, 40-2 of members 20-1, 20-2 remain substantially parallel to each other during the snowboarding action".



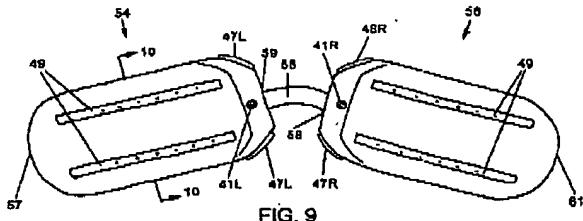
Thus, the articulating mechanism maintains the corresponding lateral and edges 40-1, 40-2 longitudinal axis of the front and back members substantially parallel, i.e., the "uphill" carving edges of the snowboard remain parallel to each other as clearly shown in the depiction of Fig. 3 and as discussed in the Applicant's specification.

In order to more clearly set forth this feature of the present invention, the Applicant has amended claim 1 to substantially include the subject matter of claim 7 and the further recitation wherein this parallel alignment is maintained ". . .throughout the dynamic range of motion of the articulation mechanism". Although not stated explicitly in the specification, this is an inherent feature of the present invention as constrained by the linkage 100 and, therefore, believed to be fully supported by the specification at least at page 8, as well as by the drawings of the present invention.

Returning to the Smith '091 reference and observing Fig. 9 as reproduced below, we note that the complete disclosure of Smith '091 is dedicated to providing essentially completely independent rotation of the front section 57 and rear section 61 via the flexible connection 55. Smith '091 arguably discloses a rigid metal connector in Figs. 24 and 25, however, the ball joint 93L and 93R of the rigid member still permit the same relative completely independent rotation between the front and rear members 57, 61 as shown in Fig. 9 of Smith '091.

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In other words, the Applicant's claimed invention provides an articulated mechanism which unlike Smith '091, provides some dynamic restraint to the freedom of movement and range of motion between the front and rear members of the snowboard. This restraint maintains the corresponding lateral edges of the front and rear members substantially parallel with one another throughout the range of articulated motion and is not possible and in fact is the antithesis of the flexible connector 55 and convex base disclosed by Smith '091. Therefore, as not all the features of Applicant's claims 1, 17 and 29 are disclosed, taught or even suggested by the applied Smith reference, the Applicant respectfully requests withdrawal of the anticipation rejection.

As claims 2-16 are directly dependent upon claim 1 which is believed allowable in view of the above amendments and remarks, the Applicant believes these claims to be allowable as well. Independent claim 17 and 29 have both been amended to include substantially the same subject matter as claim 1 and thus for the same reasons as set forth above are also believed to be allowable.

Turning to the obviousness rejection, claims 14-16, 27 and 28 are rejected, under 35 U.S.C. §103(a) as being unpatentable over Smith '091 in view of Trott '933 and further in view of Quarti '170. As the claims which were rejected under 35 U.S.C. § 103(a) as unpatentable over Smith '091 in view of Trott '933 and further in view of Quarti '170 are specifically dependent on independent claims 1 or 17 which are now believed allowable in view of the above remarks and amendments, the Applicant believes the claims are allowable and thus no further remarks are believed necessary with respect to these references.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

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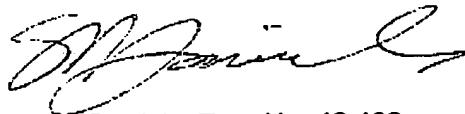
In view of the above amendments and remarks, it is respectfully submitted that all of the raised anticipation and obviousness rejections should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejections or applicability of the Smith '091 reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejections should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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